

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Ira Green v City of Mackinac Island Zoning Bd of Appeals**
Docket No. **277437**
L.C. No. **06-006273 AA**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the March 23, 2007, order, which stems from an appeal to the circuit court from a tribunal, is not an order that is appealable as a matter of right. MCR 7.203(A)(1)(a). Appellant cites MCL 125.3606(3) for his authority in filing the claim of appeal. However, that statute does not provide for an appeal of right, it only provides for an appeal. When this Court was faced with a very similar statute regarding an appeal from the Teacher Tenure Commission, this Court concluded that since the statute failed to specifically indicate the appeal was by right, any appeal had to be by application for leave to appeal. See *Watt v Ann Arbor Board of Education*, 234 Mich App 701 (1999). The legislature clearly is able to state when there is an appeal of right. See MCL 462.26(1) and MCL 205.753 for examples. As a result, appellant may only challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 26 2007

Date

Sandra Schultz Mengel
Chief Clerk